

Affordable Housing Plan  
West Newbury Chapter 40B Compliance Committee  
August 2004



The West Newbury Chapter 40B Compliance Committee

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## **EXECUTIVE SUMMARY**

This affordable housing plan was developed to comply with the Department of Housing and Community Development's (DHCD) Planned Production regulations authorized by MGL 760 CMR 31.07(1)(i). The plan recommends a series of actions identified by the West Newbury Chapter 40B Compliance Committee. Taken together, they will enable the town to foster the development of affordable housing equivalent to approximately 10% (or more) of the total housing units in the community.

The average home in West Newbury sold for \$526,000 during the first six months of 2004. Given current mortgage lending standards in the North Shore area, the household income required to purchase a home at that price is about \$175,000 annually. That means that many of the new homes being built in the town could well be out of reach of more than 80% of current residents in the community.

There are currently 1,414 households in West Newbury, according to the 2000 census. Of that total, only 26 households are listed on the state's Subsidized Housing Index (SHI), accounting for the town's 1.84% qualified affordable housing figure. Under the current regulations, the town would need to add 115 rental units or 462 ownership units in order to satisfy Chapter 40B's 10% threshold. This would represent housing growth of between 8.16% and 32.64% for the town.

West Newbury may not be able to absorb 462 new housing units. The town has no municipal sewer service and a limited municipal water distribution system. In addition, existing soil conditions are such that costly "oversized" (and occasionally "alternative") waste disposal systems are often required.

However, the town recognizes its obligation to meet the mandated 10% threshold for affordable housing, as well as the community benefits that will come with compliance. The expansion of housing options available to people of all ages, incomes, and family configurations will diversify and strengthen the community.

As a result, members of the Chapter 40-B Compliance Committee recommend the following actions:

- Complete a planned production document consistent with current DHCD requirements, which would put the town on track to comply with Chapter 40B

planned progress requirements in 12-18 months. Submit the plan to DHCD for revisions and/or approval. (The document that follows this Executive Summary represents much of the effort involved in completing this recommendation and should be submitted to DHCD within the month.)

- Create a *West Newbury Workforce Housing Trust* or *Commission* to implement the planned production document. The Committee's notion is to begin the transition from planning to permitting and construction. The Trust or Commission would be empowered to identify and implement the most desirable local housing initiatives for the town. This would include, but not be limited to, the ability to issue a request for proposals, select and negotiate with Chapter 40B developers, acquire land, receive revenue and borrow funds for the development of affordable housing. (The Chapter 40B Compliance Committee thinks that the recommended group should be appointed by September 1, 2004 and consist of 3-5 members.)
- Initiate joint-development of a combination over-55 housing and a non-age-restricted development to increase the amount of rental and ownership housing available in West Newbury.
- Continue zoning review efforts to identify smart growth regions in the town and create a "workforce housing" zoning overlay district that represents where the community would encourage development of affordable housing to contribute to the state's 10% goal of affordable housing. Such an overlay district should not exclude affordable housing proposals from being considered elsewhere in the community. The Planning Board should create the district with input from the West Newbury Selectmen, Open Space Committee, Zoning Board of Appeals and the general public. Planning grants administered under DHCD's "Priority Development" program are available to help pay for the planning effort.
- Pursue adoption of inclusionary zoning and the Community Preservation Act (CPA) in order to maintain ongoing compliance with the state's affordable housing goals and become eligible for matching grants.

The goal of this Committee is for West Newbury to achieve the required full 10% on its SHI within a four to five year time frame and maintain compliance with Chapter 40B thereafter. (For more detail, please refer to Part III, the Action Plan.)

## INTRODUCTION

West Newbury is a semi-rural community approximately 38 miles north of Boston. The town is approximately 13.5 square miles, situated on the Merrimack River between Newburyport and Haverhill and has evolved from an agricultural to a residential community. West Newbury is a small town (4,359 pop.) which has experienced rapid growth during the last decade. According to U.S. Census data, the town's population grew by more than 20% between 1990 and 2000.

West Newbury operates with an Open Town Meeting form of government and a 3-member elected Board of Selectmen. Elected and appointed officials serve in largely voluntary capacities. Professional staff is limited and most support staff is employed part-time.

The town is notable for its "old New England character." This is reflected in the architecture and housing stock, which consists primarily of capes, colonials and ranch style single family housing. The appearance of the community is further and perhaps more deeply influenced by West Newbury's agrarian past. Preservation of that historic landscape is a goal that has been consistently identified in town-wide planning efforts.

The town recognizes its responsibility to help create a diversity of housing options. As part of a decision to take a pro-active stance toward compliance with the requirements of Chapter 40B, the West Newbury Chapter 40B Compliance Committee was established. The Committee's goal is to develop an affordable housing plan that would serve as a guide for the community to achieve the 10% affordable housing threshold established by the state's comprehensive permit law.

The affordable housing planning initiative was undertaken by the Selectmen in response to several regional factors. The first -- and perhaps the foremost -- factor was a failure of market rate developers to produce housing within the means of teachers, public employees, and other middle income residents of the area.

The second factor was the Selectmen's concern with the prevalence of adversarial Chapter 40B applications in neighboring communities. In response, they recognized the opportunities presented by the planned productions regulations under the state's comprehensive permit law.

The third factor was the region's residential real estate market. Over the last nine years, the average sale price of a single family home in West Newbury has



doubled. According to real estate sales data provided by the West Newbury Assessor's Office, the average price of a home sold in West Newbury increased from \$293,000 in 1995 to \$526,000 in 2004. At the same time, the cost of land for development has increased. Buildable lots currently sell for \$200,000 and up.

Across Massachusetts, the combined effects of a housing market that supports high-cost homes, and the related escalation of land costs, has created a situation in which developers build large, expensive homes in order to recoup land costs and make a profit. This is the case in West Newbury, as well. Of the 28 single family homes sold in West Newbury in 2003, 15 sold for more than \$500,000. Of that group, seven sold for more than \$800,000. While the current market supports those prices, they're not affordable for many local residents.

The 1999 median income in West Newbury was \$92,828, according to the US Census. According to the area's current mortgage lending practices, the median West Newbury household should be able to afford \$27,848 yearly (or \$2,320 monthly) for housing. That figure also can support a house purchase of about \$350,000 – very few of which are available in West Newbury – or a rent of \$1,933.

While the \$92,828 level is higher than the median income in the Boston standard Metropolitan Statistical Area (SMSA), the upper end of the town's income scale is lifting the lower end. Forty-four percent of the households in West Newbury have incomes above \$100,000. However, on the other side of the spectrum, 39% of the families in West Newbury have household incomes of \$74,000 or less. The market is not producing housing affordable to those working-income families.

#### **Population and Household Growth 1990-2000**

	1990 pop.	2000 pop.	% change	1990 H'holds	2000 H'holds	% change	1990 units	2000 units	% change
West Newbury	3,421	4,149	21.3%	1,120	1,392	24.2%	1,147	1,423	24%

*US Census 2000*

The pace of development in West Newbury has been significant over the past several decades. Since 1970, the population of the town has nearly doubled. Along with the town's 20% population growth over the last decade came a 24.2% increase in the number of housing units. Population growth projections continue to predict double-digit growth through the next two decades. With these trends in mind, it was clear that the community needed to become pro-active in order to ensure that a variety of housing is developed in the future, and at the same time, the rural character of the community is preserved.

The Chapter 40B Compliance Committee has taken a very pro-active approach to the affordable housing issue. The Committee's work is built on several previous planning efforts. In 1999, the town produced the West Newbury Comprehensive Plan (WNCP). In 2002, the Zoning Board of Appeals (ZBA) adopted a set of comprehensive permit rules to provide a roadmap for developers planning to build affordable housing in the town using the comprehensive permit law.

In 2003, the Planning Board initiated development of a Community Development Plan (CDP) as a part of its compliance with Executive Order 418 (EO 418). The CDP is developed with updated figures from the most recent federal decennial census and is being completed in the same timeframe as this affordable housing plan. The CDP has provided the Chapter 40B Committee with significant data related to the existing housing stock and growth in the community in recent years. Late in 2003, the Chapter 40B Compliance Committee was formed.

**Plan Goals** The goal of this Committee's plan is to increase the affordable housing stock in West Newbury from the current 1.84% to more than 10% within a *four-to-five year* time frame and to offer a wider selection of housing choices *consistent with the town's character*.

Under current DHCD planned progress regulations, a community can maintain a schedule of town-initiated development with the annual creation of affordable units that represent .75% of the total housing. In West Newbury, that would translate to either 11 rental units or 42 ownership units yearly. The planned production guidelines also allow a community to earn a two-year break from Chapter 40B proposals if it creates affordable housing equal to 1.5% of the total housing units in the community. Reaching the 1.5% threshold to earn a two year break would require the town to create 21 rental units or 84 homeownership units in one year. A proposal to lower the planned production annual threshold to .5% was made by the Governor's Task Force on 40B and included in reform legislation passed by the House of Representatives. As of August 2004, no action has been taken in the State Senate.

The total number of new housing units that must be created in West Newbury to satisfy Chapter 40B's 10% threshold is either 115 rental units or 462 ownership units. The addition of 115 apartments in the community would represent growth of approximately 8.2%, with the addition of 462 homes representing a growth rate of approximately 32%. (Additional growth outside of Chapter 40B will also occur.)

Because of West Newbury's low number of existing apartments (98 units were identified in 2000 census) the Committee considers that any affordable housing plan should include the development of both rental and ownership units.

## **PART I -- DESCRIPTION OF THE COMMUNITY**

### ***Location***

Located about 38 miles north of Boston, West Newbury has an area of about 13.5 square miles, with a population density of about 314 per square mile. Approximately 19% of the town's area is currently classified as open space.

West Newbury is bounded by the Merrimack River on the north, the communities of Newbury and Groveland on the west and south, and the city of Newburyport to the east.

Primary access to West Newbury is gained via route State Route 113 (Main Street) which runs through the length of the community. West Newbury borders the city of Newburyport, where Route 113 intersects with Interstate 95 just west of a major commercial area on Newburyport's Storey Avenue. West Newbury borders the town of Groveland where Route 113 intersects with Route 97, providing access to Georgetown and Haverhill.

Interstate 495 is also accessible through the neighboring communities of Merrimac and Haverhill.

### ***Transportation Infrastructure***

Currently, there is no access to public transportation in West Newbury. Commuter rail service is available in the neighboring communities of Newburyport and Haverhill which are located about 6 and 8 miles, respectively, from the town center. As a community adjacent to Massachusetts Bay Transportation Authority (MBTA) commuter rail service, West Newbury pays an annual assessment to the MBTA. That assessment was \$14,645 in FY-2004.

Bus service to Boston and Logan airport is available from park and ride services operating in Newburyport and Georgetown.

West Newbury is a member of the Merrimack Valley Regional Transit Authority (MVRTA). However, there are no bus services currently available in the town. An option does exist for the community to initiate service by paying an assessment to the MVRTA. Any service assessment paid by West Newbury to the MVRTA would be credited dollar for dollar toward the West Newbury's MBTA assessment.

### ***Town Infrastructure***

A municipal water department serves approximately 64% of the town's residents. Water service runs along Route #113 (Main Street) and is divided into two regions: a low service area between the Page School and the border with Newburyport and a high service area between the Page School and the Haverhill border.

The town supplies approximately 50% of the water used by water customers. The remainder is purchased from the city of Newburyport in accordance with an intermunicipal agreement. The town is currently developing additional water resources within its borders in order to reduce the amount of water purchased from Newburyport.

The remaining 36% of residents have their water supplied by private wells.

Like many semi-rural North Shore communities, West Newbury does not provide sewer or waste disposal service. This requires that homes treat their own waste via onsite septic systems. While some soils readily support septic systems, many in West Newbury do not because of the amount of clay, rock and ledge prevalent in many areas. Title V compliance is an issue and a number of West Newbury residents utilize "alternative systems."

West Newbury has been active in the acquisition of open space to serve municipal needs over the past decade. The town's open space inventory currently includes many parcels throughout the community, which carry a variety of use or conservation restrictions. Those parcels of town-owned land with the fewest use restrictions, combined with the best access to town services or existing infrastructure, may be considered for the development of affordable housing.

### ***Municipal Infrastructure (Schools)***

The public schools in West Newbury are currently operating at or near their building capacity. This is especially true at the Pentucket Regional Middle and High Schools, which are situated together on a campus on Main Street in West Newbury. According to a space needs statement issued in January, 2001, the high school has a capacity of 821 to 966 students, depending on average class sizes. Actual enrollment over the past few years has ranged from 910 in 2000-2001; 921 in 2001-2002; 933 2002-2003 and 943 in 2003-2004.

A less urgent need exists at the Pentucket Middle School. That building's capacity is 624-772 students, depending on the student-to-teacher ratio. Actual enrollment at the middle school has ranged from 556 in 2000-2001, 562 in 2001-2002, 585 in 2002-2003 and 581 for the 2003-2004 school year.

While there is some room to grow at the Middle School, the proximity of Pentucket High School to building capacity has resulted in school building proposals that were endorsed by the regional School Committee and put before voters in 1999 and 2001. In both cases, voters defeated the Proposition 2½ debt exclusions necessary for the projects. The need for classroom space at the high school has prompted the use of mobile, temporary, classrooms installed alongside the high school during the last two school years.

There has been little discussion of the school building project since it was last defeated by voters. Several factors contribute to this. First and foremost, the state slowed the School Building Assistance Bureau project waiting list shortly after voters turned down the proposal at the polls in 2001. Also since that time, actual school enrollment figures have been lower than projections and state budget reductions shifted priorities to the operating side of the budget and away from capital projects and new spending.

However, school enrollment continues to grow. The regional School Committee's space needs committee projected enrollment to peak in a period between 2009 (at the middle school) and 2011 (at the high school.) Inevitably, the discussion over the need for a high and middle school building project will resume.

At the elementary school level, West Newbury's Page School, has a capacity of about 670 students and an enrollment in the 2000-2001 school year of about 563 students.

## ***Demographics***

### **Population**

West Newbury's population, as determined by the US Census 2000, was 4,149. That figure has increased to 4,359 according to the 2004 municipal census.

According to adjusted US Census figures, approximately 29.9% of the population is 19 years old or younger – while 13.5% is over 60 years of age. The remainder of the population is between 19 and 60.

Nearly half of all households -- 48.6% (676) include an individual 18 years old or under. Just 18.8% (261) are home to an individual 65 years or older.

**Age Composition in 1990 and 2000,  
W. Newbury and Merrimack Valley Planning Commission Region**

	<b>W. Newbury Population Change</b>			<b>% of total 2000 Population</b>	
<b>Ages</b>	<b>1990</b>	<b>2000</b>	<b>% Change 1990-2000</b>	<b>W. Newbury</b>	<b>MVPC Region</b>
<b>0-4</b>	240	312	30.0%	7.5%	7.3%
<b>5-19</b>	821	1,002	22.0%	24.1%	22.6%
<b>20-34</b>	545	408	-25.1%	9.9%	18.4%
<b>35-44</b>	793	822	3.7%	19.8%	17.7%
<b>45-64</b>	751	1,240	65.1%	29.9%	22.0%
<b>65-74</b>	176	213	21.0%	5.1%	5.8%
<b>75+</b>	105	152	44.7%	3.7%	6.3%
<b>TOTAL</b>	3,421	4,149	21.3%	100.0%	100.1%*

\* Error due to rounding

Source: 2000 U.S. Census, 1990 U. S. Census STF1, P011

West Newbury Community Development Plan

The average household size in West Newbury is larger than the state as a whole at 3.05 persons in owner occupied units and 2.04 persons in renter occupied units. This compares to statewide averages of 2.72 people per ownership household and 2.17 in renter households.

West Newbury has a very small minority population. According to the 2000 census, 98.5% of the population is white. Black or African American residents comprise about .2% of the population, Asian .5% and Hispanic .7%.

### **Population Projections**

The community has grown at a 20% growth rate over the past two decades and is officially estimated to continue to expand at about a 10% rate over the next two decades. However, it is important to note that the most recent four years of actual population growth (2000-2004) has occurred at a more rapid rate than projected.

### **Projected 2010-2020 Population in West Newbury**

	1990 pop.	2000 pop.	% change	2010 projected	% change	2020 projected	% change
West Newbury	3,421	4,149	21.3%	4,566	10.1%	5,002	9.6%

*University of Massachusetts, MISER*

What's particularly important looking ahead is the population growth predicted by age, especially among adults aged 55 and older. Recent census figures demonstrate

that the greatest amount of population growth in West Newbury occurred in the 45-64 year old bracket, which increased by 65% between 1990 and 2000.

As this population ages, West Newbury is expected to see a corresponding growth in the number of residents aged 55 and older and 65 and older in 2010 and 2020. The number of residents in the town aged 65 and over is expected to increase 131% by 2020, according to the University of Massachusetts MISER system. Not far behind is a projected 86% increase in number of residents between 55 and 64. As a result, the development of housing to accommodate these portions of the population is essential.

### Population Growth Predictions

Age Group	Actual census 2000	Projected 2010	% Change over 2000	Projected 2020	% Change over 2000
0-19	1314	1460	11.1%	1,591	21.1%
20-34	408	484	18.6%	614	50.5%
35-54	1667	1386	(16.8%)	1,214	(27.2%)
55-64	395	755	91.1%	738	86.8%
65 +	365	481	31.8%	844	131.2%
<i>Total</i>	4149	4566	10.0%	5001	20.53%

*Source: University of Massachusetts, MISER*

The town of West Newbury currently operates a small senior housing development with 14 units. Otherwise, there is no housing set aside for active seniors in the community. There are also no assisted living facilities or nursing homes in the community. That means that West Newbury residents must leave the community in order access nursing home or assisted living care.

The second population sector projected to show a notable increase on the twenty year horizon is that between the ages of 20-34. Growth in this population sector points to the need for housing for young professionals and families.

### Household income

Despite the high cost of new housing, census data reveals that West Newbury is currently home to residents of all income levels. Nearly 10% of households in the town have incomes less than \$25,000 annually, 12.5% of households have incomes between \$25,000-\$49,000 and 16% of households have incomes between \$50,000 and \$74,999. These categories currently make-up 38% of the total existing households in

the community and represent a segment that technically cannot afford to buy a home in the community they live in.

At the other end of the spectrum, 44% of households in West Newbury have incomes over \$100,000 and 16.8% between \$75,000 and \$99,999. Together, sectors lift the total average income in the community to the relatively high median of \$92,828.

### Household Income

Income	Households	% Households
Less than \$25,000	140	9.9%
\$25,000 – \$49,999	175	12.49%
\$50,000 - \$74,999	226	16.13%
\$75,000 - \$99,999	236	16.84%
\$100,000 or greater	624	44.54%

US Census 2000

### Poverty Status

Poverty status in West Newbury is low overall, with 2.8% of all families and 3.8% of individuals reported in the 2000 census living at the federal poverty level (FPL). However, a more significant percentage of specific population groups were living at or below the FPL. Those include families with a female householder and no husband present (8%), and families with a female householder and no husband present with children below 18 years of age (11.9%). Among individuals, the greatest number living in poverty was over 65 years of age (9.8%).

### Poverty Status 1999

Population Group	Number	Percent
<b>Families</b>	33	2.8%
-- With children under 18	25	3.6%
-- With children under 5	13	6.3%
Families w/female householder, no male present	7	8%
-- With children under 18	7	11.9%
<b>Individuals</b>	156	3.8%
-- 18 years and older	108	3.7%
-- 65 years and older	36	9.8%

US Census 2000

West Newbury Community Development Plan



## Income And Housing Costs

A significant number of West Newbury households pay a low portion of their household income toward housing costs. According to the 2000 US census, 33% of homeowners spend 15% or less of their household income on housing costs, while another 21% spend between 15-19%. In some cases these low percentages reflect the length of residency of many residents. More than half of the households in the community – 52% (735) – moved into their homes prior to 1990. Another 18% (250) moved into their current home between 1990 and 1994.

The 2000 Census also reveals that 15.7% (183) of homeowner households pay a significantly high portion of household income (over 35%) toward housing costs. The percent is higher among rental households 19.4% (19), although the number is much less because of the low number of total rental units in town.

**Household Costs as % of Income**

<b>Housing costs as a percent of monthly income</b>	<b>Homeowners</b>	<b>Renters</b>
Less than 15%	33.1%	16%
15% - 19.9%	21.3%	15%
20% - 24.9%	11.1%	10%
25% - 29.9%	9.8%	24%
30% - 34.9%	8.3%	-
35% or more	15.7%	19%
Not computed	.7%	15%

US Census 2000  
West Newbury Community Development Plan

## Household Types

This analysis is drawn from the West Newbury Community Development Plan. The housing element of that document is available for further review as an appendix to this housing plan.

The following table provides information on the family patterns of households in West Newbury. Married couple families are the predominant household pattern in West Newbury, particularly among home-owners. Rental households, however, are occupied primarily by non-family households, with married couple families ranking second.

It is important to note that the owner households are as or more likely to have children under 18 years old in their households than are renter households. At least for the renters in West Newbury, this counters the “conventional wisdom” that building rental housing will bring proportionally more children than families in owner households. Of the 88 owner-households composed of other families, the head of the household in 82 is a woman, and a woman is head of the household in all of the families with children.

### **Tenure by Type of Family, with Children Under 18 Years**

	Owner		Renter	
Married Couple Family	1,048	83%	35	36%
W/ children<18 years*	585	56%	20	57%
Other Family**	88	7%	13	13%
W/ children<18 years*	44	50%	4	31%
Nonfamily	131	10%	50	51%
Total Households	1,267		98	

\*These percentages indicate the percentage of each family type that has children under 18 living with them

\*\*Other family households consist of either male householders with no wife present, or female householders with no husband present

Source: 2000 U.S. Census, Table HCT-1

West Newbury Community Development Plan

## ***Existing Housing Characteristics***

### **Housing Stock**

Either a drive through West Newbury or an analysis of its housing stock by type shows that the vast majority of the town’s housing is made up of single family, detached dwellings. According to the Assessor’s office, there are 1,292 single family homes in West Newbury. There are also 8 condominiums and 62 units of two family attached housing of varying styles in the town. There is just one three family house in West Newbury.

According to US Census data, two periods of development account for 50% of the homes in West Newbury. There were 357 homes built between 1980 and 1989 that now account for 25.1% of the town’s housing units. Meanwhile, 354 homes (24.9%) were built in 1939 or earlier. Since 2001, there have been 51 houses built in the town.

### **Affordable Housing in West Newbury**

The affordable housing in West Newbury counted by the state on the official SHI is comprised of a group of municipally owned housing units. These include 12-

multi family units located at Hills & Boynton Court and Main St.; and 14-Garden Style Apartments at 379 Main St.

### **Municipally Owned Housing**

<b>Developments Counting for Chapter 40B</b>	<b>Agency and Program</b>	<b>Units</b>	<b>Duration of Affordability</b>	<b>Eligible Residents</b>
379 Main St. – Lionel Brunault Community Housing	667 Sr. housing	14	In perpetuity	Over 62 (2 handicapped units)
Hills Court	705 Fam. housing	6	In perpetuity	Family
Boynton Court	705 Fam. housing	6	In perpetuity	Family
<b>TOTAL</b>		26		
<b>Other Asst./Public Developments</b>	<b>Agency or Program</b>	<b>Units</b>	<b>Duration of Affordability</b>	<b>Eligible Residents</b>
694 Main Street	Town-owned	4		

Source: West Newbury Housing Authority; West Newbury Town Clerk  
West Newbury Community Development Plan

In addition there are 4 town-owned units at 694 Main Street that have been rented at what could be considered affordable rates for years. However, they do not currently carry deed restrictions and have never been added to the town's SHI. The units are managed by a committee in the town and are made available on an informal basis. These apartments are in need of repair and a DHCD grant has been awarded to help pay for the project. Those apartments have been rented for \$475/month, about 30% of the market rate rent in the area.

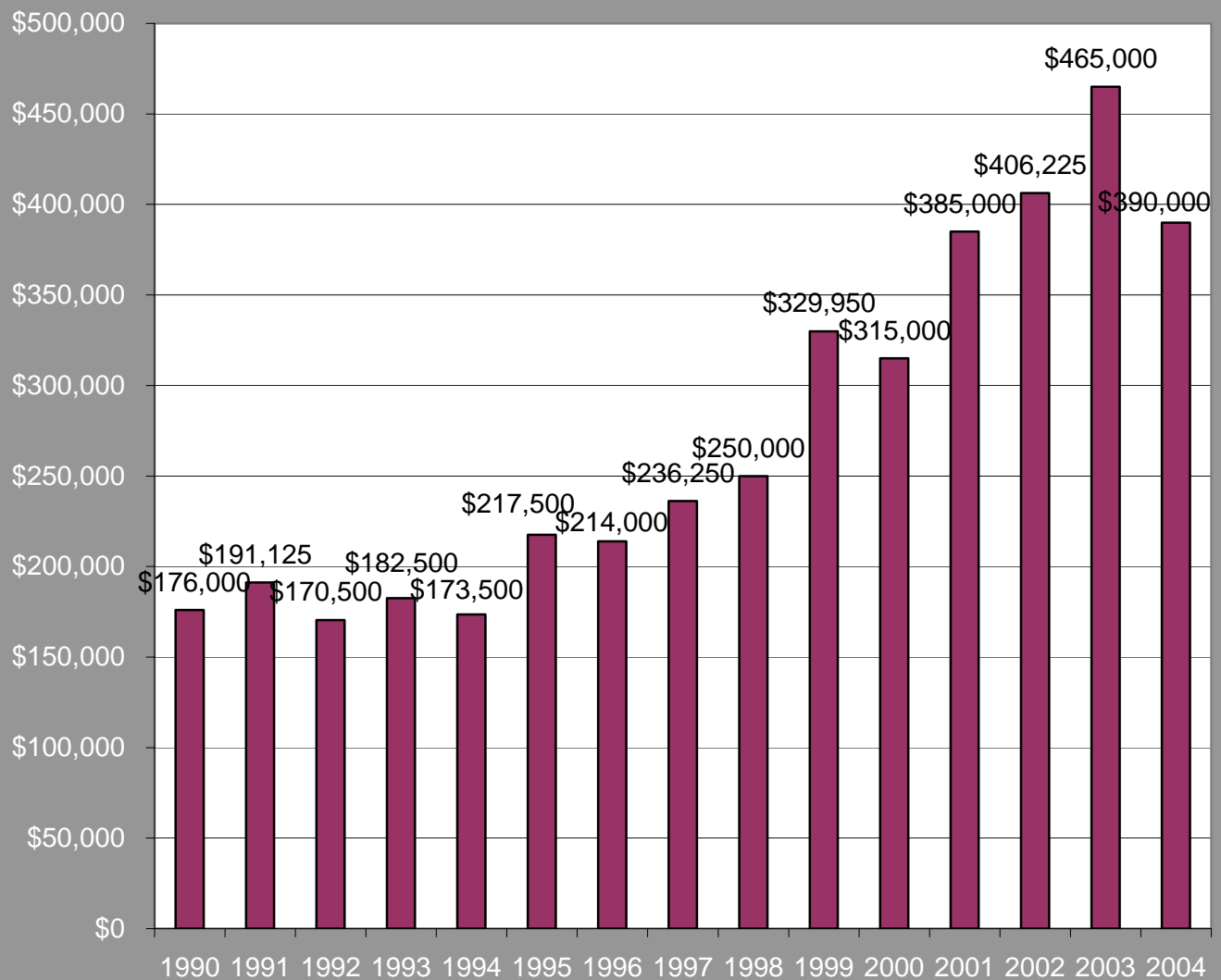
After the completion of the proposed renovation, all four units will be rented to eligible low/moderate income households. The renovation project addresses the maintenance needs of the property and will also attach a permanent deed restriction to the property and qualify these units for inclusion on the town's SHI.

### **Housing Sales**

From 1990 through 2003, the average sale price of all homes home in West Newbury increased more than 200% -- from \$172,833 to \$538,122. Home costs doubled in a period roughly between 1990 and 1999 and again between 1999 and 2003.

A look at the median sales price shows the same trend, escalating from \$176,000 in 1990 to \$465,000 in 2003, that last full year represented by the data. In the period between January and May of 2004, housing transactions have averaged \$526,955 with a median of \$390,000.

West Newbury Median Home Prices 1990-2004



Source: West Newbury Assessor's Office

### New Home Construction

New home construction in West Newbury has been characterized by a dominant trend in recent years: almost all of it has been priced over \$500,000. In 1999, just 2 of 18 (11%) new homes sold for less than \$500,000 and the trend has held steady through 2002. The cost of the new homes reflects the underlying cost of developable land in the town. In recent years, the sale price of a developable lot of land has reached the threshold of \$200,000 an acre and more.

**2002 Values of New Single Family Housing Units  
Constructed in West Newbury, 1999-2002**

2002 Value	1999	2000	2001	2002	Total Units
<\$500,000	2	3	0	2	7
\$500,000-\$550,000	1	2	0	2	5
\$550,000-\$600,000	4	3	1	2	10
\$600,000-\$650,000	1	4	1	3	9
\$650,000-\$700,000	3	2	2	3	10
\$700,000-\$800,000	6	6	2	6	20
\$800,000-\$1,000,000	1	1	1	3	6
\$1,000,000 and over	0	1	0	2	3
<b>Total Units</b>	18	22	7	23	70
<b>Median</b>	\$671,300	\$644,600	\$697,400	\$659,500	

Source: Provided by the West Newbury Assessors' Office using assessment updated in 2003.  
West Newbury CDP

**Building Permits Issued For Single Family Housing 1995-2003**

Somewhat surprisingly, the number of building permits issued for single family housing has diminished steadily over the last nine years -- from 28 in 1995 to 11 in 2003. This reduction is the result of several factors, predominately the high cost of land development and the difficulty of siting Title V compliant septic systems in West Newbury.

**Building Permits By Year**

1995	1996	1997	1998	1999	2000	2001	2002	2003
28	24	24	21	18	19	14	13	11

West Newbury Building Inspector

***Housing Production Constraints***

**Zoning**

Current West Newbury zoning provides for 3 residential districts: A,B, and C. Residential A zoning requires a minimum 80,000 square foot lot area, Residential B requires 40,000 square feet and Residential C requires 20,000. Both one and two family homes are permissible in all residential districts.

Frontage requirements and setback details are designated in the summary zoning chart below.

## Residential Zoning District Dimensional Summary

<i>Zone</i>	<i>Min. Lot Area</i>	<i>Lot frontage</i>	<i>Percent lot required to be contiguous and buildable</i>	<i>Min. front yard</i>	<i>Min. side yard</i>	<i>Min. Rear yard</i>	<i>Max. lot cov. %</i>	<i>Max. Bldg. Cov. %</i>	<i>Max. Bldg. Height</i>
<i>Res. A</i>	80,000	200	75	40	20	20	30	20	35
<i>Res. B</i>	40,000	200	75	40	20	20	30	25	35
<i>Res. C</i>	20,000	150	75	40	20	20	35	30	35

*West Newbury Planning Board*

### Septic System Requirements

The difficulty permitting new on-site septic systems and bringing existing ones into compliance must be seen as a constraint on housing production in West Newbury. The environmental requirements associated with on-site septic systems are expensive. As a result, they are, at times, in direct conflict with the need of affordable housing development to be produced at financially feasible densities.

Addressing this constraint efficiently will be a key determinant in managing the town's growth. Opportunities to address this constraint include identifying locations that can support a multiple unit septic system, consideration of the creation of a "package plant" to treat wastewater, construction of a central sewer system or exploration of the possibility of tying in with the centralized system of a neighboring community.

The creation of a new sewer system for the town of West Newbury is probably not feasible. Tying in with another community or sewer district would rely on a complex set of negotiations with one or two communities. The creation of a package plant would be expensive and limited in scope. However, package treatment plants support the principles of sustainable development and could benefit not only the residents of workforce housing, but neighboring businesses and households as well.

### Community Resistance

Concern runs high in West Newbury and the region about "over development." This is not merely the "Not In My Back Yard" (NIMBY) kind of concern often pointed to by the Boston newspapers, affordable housing advocates and the construction industry. Instead, West Newbury residents have consistently articulated the interest in preserving the semi-rural agricultural landscape that characterizes the community and reflects its history.

The most appropriate response to local resistance to affordable housing development is educational.

Right now, Chapter 40B remains a development option for any builder to use in West Newbury. Under current regulations, a housing project of up to 150 units could be proposed tomorrow. The city of Haverhill is currently reviewing a proposal for 438 units, the town of Merrimac received an application now under review for 468 units and the town of Georgetown, now over 10% SHI, was once managing three separate 40B applications representing more than 430 proposed housing units.

By contrast, the 115 total units that West Newbury must add to its SHI is relatively low, especially when achieved over a period of years.

Residents have anecdotally indicated their resistance to any kind of “apartment project.” However, the rules governing Chapter 40B favor rental development inordinately. As previously noted, the town would have to add 115 rental units or 462 single family homes to meet the 10% threshold. Making that difference clear to the town’s residents will help generate community support for projects proposed by the town.

Public involvement in addressing the town’s housing needs is also a key in overcoming anticipated resistance and it will be the responsibility of the newly-created Trust or Commission to make opportunities available. Work on the Planning Board to create an affordable housing overlay district and consider any other zoning revisions will also provide the public with a good opportunity to recommend where the town’s housing needs should be addressed and what resources must be preserved.

### ***Opportunities to Increase Housing Production***

#### **Uses Allowed With Special Permits**

In addition to standard residential zoning, the town allows higher density zoning along with an open-space set aside via special permit under the voluntary Open Space Preservation Development (OSPD) bylaw. Development in the OSPD may be accomplished with reduced lot areas and reduced setback requirements in exchange for setting aside at least 50% of the total land in a development proposal as open space.

A unit bonus of up to 10% of the number of units permissible under traditional zoning is available for OSPD developments which: 1) set aside additional land for open space; 2) set aside housing for residents over 55; or 3) set aside units for families who qualify as low or moderate income.

The town of West Newbury should consult with the DHCD to ensure that any affordable units created using the OSPD count toward Chapter 40B’s 10% threshold.

A proposal to include an affordable housing component in an OPSD equal to 10% of the total development is being considered by the Planning Board as this report is being written.

In response to the existing zoning restraints, the OSPD could be revised in order to provide more incentive for the development of affordable housing. This could take the form of a higher density bonus allowed for projects with an affordable housing component.

At present, there are eight condominiums in West Newbury with an additional two under construction. The town may consider creating an incentive to permit more condominium development, especially considering the interest in ownership units expressed by municipal employees and senior residents in various town-conducted surveys. Again, this could be addressed through the affordable housing overlay district or the OPSD.

An incentive to create accessory apartments with an affordable component could also help produce affordable housing in West Newbury. An example of the possible conditions might be existing homes within the affordable housing overlay district where sufficient parking is available. Any affordability requirement for accessory apartments must be consistent with DHCD guidelines so that newly created apartments count toward the town's 10% goal. While it would be unlikely for the town to reach the 10% threshold of affordable housing with a substantial number of accessory apartments, they could provide an excellent opportunity to stay at 10% by contributing units a few at a time on an ongoing basis.

### ***Local Planning Initiatives***

#### **Comprehensive Plan**

In 1999, West Newbury completed a comprehensive plan. The plan's central recommendation was to adopt a progressive "smart growth" policy toward development aimed at preserving the town's rural character and guiding development to meet the town's needs through the next 20 years.

#### **Over-55 Housing Committee**

In 2003, the Selectmen convened an Over-55 Housing Committee to explore the need and interest in a town-initiated active senior housing development.

The Over-55 Housing Committee conducted a survey of all West Newbury residents and recommended that the town pursue a "modest," ownership oriented



development. The Over-55 Committee further recommended the exploration of development at the town-owned “Craven” property, the privately-owned area of Main Street, Maple Street, and Meetinghouse Hill and the downtown area around Church, Prospect and Main Street. Each site has its specific advantages and disadvantages, particularly related to septic. However, as this report is being written, two opportunities for downtown real property acquisitions may present themselves.

## **Community Development Plan**

In the fall of 2003, the Planning Board initiated development of a Community Development Plan (CDP) as part of compliance with Executive Order 418. This study reflects the new data provided by the 2000 census. The CDP was put together by Community Investment Associates and paid for by the town of West Newbury. The housing portion of the study is attached to this proposed affordable housing plan as Appendix A.

## ***Community Response***

## **Municipal Employee Survey**

In order to gauge the current need for affordable housing among school and municipal employees, the Chapter 40B Compliance Committee assembled and distributed a municipal housing needs survey. The aim was to determine the interest in and need for housing among municipal and school district employees.

A total of 800 surveys were distributed to municipal employees and employees of the Pentucket and Whittier Regional School Districts. Of that distribution, 234 surveys were returned, for a response rate of 29.25%.

The survey found the greatest need for affordable housing among small families, with 41% (10) of one-person households; 15% (8) of two-person households and 27% (8) of three-person households qualifying for housing set aside for households at 80% of the median income or less.

Survey data indicates that there is a need and an interest for affordable housing in the community in line with the level represented by the 10% threshold. Among those actively looking for housing, the interest is strongest in the availability of units for home-ownership. The survey also indicated that small households of 1-3 persons were most interested in -- and most likely to qualify -- for affordable units.

## **Senior Survey**

In 2003, the Selectmen convened an Over-55 Housing Committee to determine the housing interests and needs of the town's over-55 population. The Committee mailed surveys to all households in town. Of the 1600 surveys mailed out, 150 were returned for an overall response rate of 9.4%. Four hundred and seven of the surveys were mailed to a household with a family member aged 60 or over. From that group, 82 households returned a completed survey, reflecting a 20% response rate.

Fully 94% of respondents indicated that it was preferable (41%) or very important (53%) that an adult community is located in West Newbury.

The survey also found that 80% of respondents indicated that they would prefer to own their housing in an adult community and 20% would prefer to rent. The interest in both rental and ownership lends itself to creation of an age restricted housing development with both rental and ownership units available.

## **PART II -- HOUSING GOALS**

### ***Guiding Principles***

The overriding goal of the Chapter 40-B Compliance Committee is to develop a strategy to meet local housing needs across a range of incomes, promoting diversity and the stability of the community.

As demonstrated by the surveys of senior residents and municipal employees, there is a need for affordable housing to meet the needs of existing residents and employees. That housing will come in various ways -- through private developers -- which will allow the town minimal control -- or through public-private partnerships. There is also a need to produce housing that is affordable to moderate income families to enable the children who grew up in the community the opportunity to return and raise their families here.

In any event, new development should be in harmony with the existing community, blending in well with architecture and density. Development should be mixed income, low to medium density and should take advantage of existing infrastructure and roads and avoid significant negative impact.

Development should be well designed to compliment historic resources in the community, preserve open space via clustered development, and protect environmentally sensitive areas.

The following considerations are recommended in order to achieve those goals.

- *Be pro-active, rather than reactive, in diversifying the town's housing stock and coming into compliance with Chapter 40B.*
- *Target development to the areas in West Newbury that are most accessible to transportation and existing infrastructure, as well as goods and services.*
- *Identify smart growth areas where affordable housing development can be encouraged by the town.*
- *Identify town-owned properties that may be considered for development to take advantage of prior capital investments and assert maximum control over design, density and development style, type, etc.*
- *Identify developers with whom the town can work constructively and contract with them to produce a product that the town needs and wants.*
- *Create a means for West Newbury to acquire and/or receive property for the creation of affordable housing.*
- *Identify housing opportunities that will take advantage of existing development and infrastructure and minimize impacts on greenspace. These include creation of a special permit for accessory apartments, conversion of single family homes to multi-family homes and the addition of an affordable component to the town's condominium conversion bylaw.*
- *Ensure development does not diminish or detract from existing historic districts.*
- *Avoid development in ecologically sensitive areas.*

### ***Community Development Plan (CDP) and Zoning Reform***

Among the specific recommendations made in the CDP are several the town should consider in the effort to increase the amount of affordable housing in West Newbury.

### **Zoning reforms that may be considered include:**

- Creation of a special permit to allow affordable housing on odd shaped lots or on lots with reduced area and/or frontage.
- The Open Space Preservation Development bylaw could be amended to add an affordable housing component. The addition of affordable housing to subdivisions developed under the OSPD should be reflected in the density bonus formula.
- Creation of an Assisted Living Overlay District. The lack of any assisted living facilities, nursing home convalescent home, or even age-restricted housing in West Newbury was identified in the town's 1999 comprehensive plan and then again in the CDP. The need for these types of housing will increase in the future given the population projections for the town.

The town could address that need by designating an overlay district where such a use would be allowed by special permit. The town should consider requiring an affordable component as a permitting condition of age-restricted housing.

- Adoption of inclusionary zoning to ensure that the affordable housing needs are addressed in the event that large parcels of land are proposed for future subdivision development.
- Adoption of the Community Preservation Act (CPA) could generate a revenue stream to help maintain public housing, as well as acquire property, and housing units for the development or conversion to affordable housing in the future. Flexibility to use the CPA would be increased by state legislation now pending to allow communities to establish *Municipal Housing Trusts* to acquire land and initiate development of affordable housing more readily than existing town agencies.
- Consideration of targeted development on town-owned land. Under current Chapter 40B laws, the town is in significant need of an improvement in its SHI. The town can best achieve control over the design, density and nature of affordable housing if it is a participant in the development.

One way to do this is to make land available for affordable housing development through an RFP process which details the town's criteria for development. This approach would result in maximum control over the

development, produce new units for inclusion on the state's SHI in a relatively short term, and allow the town to target development to its own needs. Sale of any land for housing development could potentially produce revenues to help acquire additional open space.

- Identify housing development proposals being considered within zoning that may lend themselves to affordable housing, i.e. smart growth locations. Where appropriate, developers with site control could be encouraged to recast a development proposal as an Open Space Preservation Development with an affordable component, or Chapter 40B development.

### ***Housing Production Goals***

<b>Project</b>	<b>Total Unit Size</b>	<b>Chapter 40B Units</b>	<b>Development type</b>	<b>Start</b>	<b>Finish</b>
694 Main Street	4	4	rental	Begin permitting Fall 2004	Spring/summer 2005
"Knowles property"			Over-55 Open Space Preservation Development proposal	Before Planning Board	Late 2004 - early 2005
Over-55 Housing Project*	Up to 50 units. 40 ownership, 10 rental	12-20 units	75% ownership; 25% rental	Ongoing. Submit permit application by spring 2005	Complete permitting between 9/05 and 12/05 with construction to follow.
Non-age restricted Development**	50-100 units	50-100 units	rental; rental/ownership mix	Develop proposal by fall 2005	Begin permitting between 09/05 and 12/05. Complete permitting by 03/06 with construction to follow.

\* Project planning including potential site review is currently underway by the town's Over 55-housing Committee which is following up on the senior housing survey administered in 2002. That committee's effort will be continued and project design and permitting activity will be administered by the West Newbury Housing Commission once convened.

\*\*Development of a non-age restricted development has been discussed as a phase II component of the over-55 housing development proposal now underway. Determination of the exact components of the non-age restricted development to be determined by the West Newbury Housing Trust or Commission.

## PART III -- ACTION PLAN

Simply put, the town of West Newbury needs to move ahead on affordable housing issues.

***Maximize local control*** Since Chapter 40B is a statute designed to overrule the town's zoning code, the greatest opportunity to pace growth and development in West Newbury will be realized when the town reaches the 10% threshold of affordable housing. Short of 10%, the town's control is limited. West Newbury will maintain the best ability to control the development of affordable housing by taking a pro-active approach and initiating affordable housing development locally

***Facilitate Additional Development of Affordable Housing*** Creation of an affordable housing overlay district will help the town identify properties to consider for the development of locally initiated affordable housing. Such an overlay district will also help developers and landowners identify affordable housing opportunities where the community has an expressed interest in the development of affordable housing.

***Provide Housing For Key Population Segments*** There are clear needs for new housing in West Newbury to be created for seniors and active adults age 55 and over as well as young professionals, individuals and families.

Not only has the interest been expressed by both groups, but clearly, as demonstrated by market sales data, the open market is not creating any new housing affordable to households with income below \$100,000 annually. This is particularly an issue for senior residents, many of whom do not have any housing choices available in West Newbury if they downsize their living arrangements.

In addition, although the municipal survey did not reveal an extraordinary number of disabled residents, the town should consider ways to permit assisted living facilities for disabled adults and children.

***Use Restrictions*** Any new affordable housing units developed in West Newbury, both apartments and ownership units, should be affordable in perpetuity. Future considerations should include the requirement of deed restrictions associated with units created in the Open Space Preservation Development Bylaw, and the accessory apartment bylaw.

***Design Preferences*** Developments pursued under Chapter 40B, whether initiated by the town or by private developers, should reflect the character of the town in all ways.

The density of single family homes should be limited to no more than 8-units per acre and in rental units no more than 16-units per acre. Condominium or townhouse development should be at a density of not more than 12 per acre with, open space set aside equal to at least the amount of area developed for housing units. Apartments should be developed in the traditional, New England garden-style, featuring one and two floor apartments with private entrances in clustered buildings with shared walkways, parking areas and on-site recreation facilities.

Apartment and condominium developments should include playground facilities for children, gardening space for adults and potentially other amenities such as a swimming pool.

***Distribution*** Affordable housing should ideally be developed in areas with access to Route 113 and West Newbury's village center, where shopping, automobile, postal and town services are available. Developers should be encouraged to seek opportunities to redevelop and reuse previously developed areas for affordable housing. Where green or undeveloped land is proposed for development, housing should be concentrated and an appropriate amount of open space set-aside as part of the overall development plan. Where town-owned land is developed for affordable housing, a plan for the subsequent acquisition of property is essential so there is no net-loss of open space preservation.

***Marketing*** The affordable units must be marketed through a fair and equitable process in compliance with state and federal fair housing laws. Generally, a lottery process with local preference should be used.

***Affordability*** The creation of affordable housing should be accomplished via mixed income developments. While 25% is the minimum percent of affordable housing required to qualify for most financing programs, the town should encourage higher degrees of affordability, 35% or even 50%, especially when the town is a participant in the development initiative.

***Local preference*** In any affordable housing development, a preference for West Newbury residents, and employees of the Pentucket and Whittier Regional School Districts should be adopted.

***Profit Limitation*** Make active use of the beneficial provisions of the Chapter 40B statute, which requires developers limit profits to 20% in the case of development of

housing for ownership, and 10% of project equity annually in the case of rental development. As a condition of a comprehensive permit approval, the town shall require the finance agency to review affordable housing projects after completion and report to the town whether or not the profit limitation was adhered to. In the case that a developer is found to have exceeded profit limitations, excess profits shall be returned to the town for the acquisition, development or maintenance of the town's affordable housing stock.

***Within the next month, the town should:***

- Create a 3-5 member, action-oriented West Newbury Workforce Housing Trust or Commission. The Trust or Commission should have a representative from the Planning Board, the Open Space Committee, the Housing Authority, or any other local official deemed appropriate by the West Newbury Board of Selectmen to achieve the goals in this affordable housing plan. The Trust should be able to receive funds for the development, maintenance and acquisition of affordable housing, acquire or receive land and manage the RFP and other development processes associated with the creation of affordable housing.

***Within the next six months the town should:***

- Complete the permitting and begin renovation and deed restriction of the 694 Main Street property for long time affordability and inclusion on the SHI.

***Within the next nine-twelve months, the town should:***

- Initiate a senior or over-55 housing development. The goal to begin permitting process should focus on 2005. The number of units should coincide with the requirements of the planned production guidelines so that at least 11 affordable units are created in an ownership, rental, or mixed housing development.
- Initiate creation on the Planning Board of a "workforce housing overlay district" -- in and around West Newbury Center, adjacent to Route 113 and elsewhere as appropriate -- where the creation of affordable, mixed income housing would be encouraged.
- Apply for a planning assistance grant from the "Priority Development Fund" to support creation of the affordable housing overlay district.



- Begin a formal review between the Planning Board and the Open Space Committee of town-owned property to determine parcels that: a) should not be considered for development of affordable housing b) may be considered for affordable housing and c) that should be considered for affordable housing.
- Identify an inventory of properties not owned by West Newbury that may be considered for acquisition for the creation of affordable housing.
- Develop a policy for the conversion of tax title properties to affordable housing and identify other opportunities to “buy-down” existing housing units in order to secure a deed restriction and add units to the town’s SHI.

***Within the next twenty-four months, the towns should:***

- Develop an inclusionary zoning bylaw for consideration at town meeting.
- Propose adoption of the Community Preservation Act (CPA) to generate revenue to support affordable housing units, acquire land for open space preservation, affordable housing development and historic preservation.
- Amend accessory apartment law with an incentive for property owners to include an affordable component in the creation of accessory apartments.
- Amend the Open Space Preservation Development Bylaw to ensure that any affordable units under it qualify for inclusion on the state’s subsidized housing index. Consider an increased density bonus for the creation of affordable units as part of OSPD developments.
- Consider a multi-family conversion bylaw to allow by special permit the creation of apartments or condominiums with an affordable housing component in single family homes in the affordable housing overlay district.
- Begin construction of an over-55 housing development.
- Recommend property owned by the town, or to be acquired, for the development of affordable housing.

***Within 3-4 years, the town should:***

- Begin permitting a second affordable housing project to provide housing for municipal employees, families and young professionals.
- Complete construction of a senior or over-55 housing development.
- Plan for compliance with Chapter 40B's 10% threshold in anticipation of the 2010 census. This will require an accounting by the Assessor's office of the development of new housing units that has taken place since the 2000 census and the creation of additional affordable housing units to ensure the community remains above 10% when the base number of households is recalculated.
- Continue adding affordable units throughout the community via ongoing development activity, i.e. OSPD, accessory apartments, etc.

***Long range plan (4 years plus)***

- Maintain minimum 10% SHI.
- Acquire land, tax title properties for open space preservation and affordable housing production.
- Encourage public private partnerships to contribute to the diversification of West Newbury's housing stock.

## **ACKNOWLEDGEMENTS:**

The Chapter 40B Compliance Committee would like to thank the Pentucket Community Service Team volunteers, including parent Annmarie Smith and students Mandy Smith and Kirstie Barry, for their work tabulating the results of the West Newbury Municipal Employee survey. The Committee would also like to thank residents Dee Brenner, Woody Cammett, Deb Hamilton, Frank Mather, Rick Parker and Marge Peterson for their contributions to the dialogue and data that resulted in this report. Document formatting was coordinated by Randi Wiggins, Research Assistant, Office of Rep. Harriett L. Stanley.

## **APPENDIX CONTENTS:**

*Municipal Employee Survey*

*Senior Survey Summary*

*Community Development Plan*

*Model Deed Restriction*